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NOT ADMITTED TO THE NEW YORK BAR

October 24, 2018

**Via ECF**

Honorable John G. Koeltl  
United States District Court  
Southern District of New York  
500 Pearl Street, Courtroom 12B  
New York, New York 10007

Re: *Parneros v. Barnes & Noble, Inc.*, 1:18-cv-07834 (JGK)

Dear Judge Koeltl:

We represent the defendant Barnes & Noble, Inc. (“Barnes & Noble”) in the above-referenced matter and write on behalf of both parties to submit this report to the Court pursuant to Federal Rule of Civil Procedure 26(f) in anticipation of the parties’ initial conference scheduled for November 6, 2018.

We enclose for your Honor’s consideration a proposed Initial Discovery Protocol, which is modeled after the Initial Discovery Protocols for Employment Cases Alleging Adverse Action (the “Initial Discovery Protocol”). Under the proposed Initial Discovery Protocol, the parties will exchange initial discovery on November 29, 2018, except that as to documents responsive to Sections IV. B.1 and B.10 and V. B.1 and B.14 of the Initial Discovery Protocol, the parties will begin production no later than November 29, 2018, and will complete such production no later than January 14, 2019.

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

Honorable John G. Koeltl

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The parties also propose that the end of discovery be scheduled for June 14, 2019 because the parties anticipate that there will be significant non-party discovery, including discovery from entities and individuals referenced in the Complaint. Some of this non-party discovery may require letters rogatory.

In addition to the discovery deadline, the parties propose, in accordance with the enclosed proposed civil case discovery plan and scheduling order:

- No additional parties may be joined or cause of action asserted after December 6, 2018.
- No additional defenses may be asserted after December 13, 2018.
- Dispositive motions, if any, are to be completed by August 23, 2019.
- A joint pretrial order, together with any motions *in limine* or motions to bifurcate, shall be submitted by September 23, 2019.
- The parties shall be ready for a non-jury trial on or after October 23, 2019. The estimated trial time is five to seven days.

For your Honor's convenience, we enclose a proposed scheduling order including the parties' proposed dates.

In addition to the parties' proposed scheduling order and proposed Initial Discovery Protocol, we enclose a stipulation and proposed protective order to govern the pre-trial phase of this action.

Respectfully submitted,

Jay Cohen

Enclosures

cc: Anne L. Clark and Debra L. Raskin (via ECF)